

# EXHIBIT 14

DISTRICT COURT, COUNTY OF PITKIN, STATE OF COLORADO 506 E. Main St. Aspen, CO 81611 Ph: 970-925-7635	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
<b>In the Matter of the Application of WILMINGTON TRUST, NATIONAL ASSOCIATION for an Order Authorizing the Public Trustee of Pitkin County, State of Colorado, to Sell Certain Real Estate under a Power of Sale Contained within a Deed of Trust (Reception No. 646225)</b>	
Michael E. Lindsay, #15126 James Snow, #58090 Snell & Wilmer L.L.P. 1200 Seventeenth Street, Suite 1900 Denver, Colorado 80202-5854 Phone: (303) 634-2000 Fax: (303) 634-2020 Email: <a href="mailto:mlindsay@swlaw.com">mlindsay@swlaw.com</a> ; <a href="mailto:jsnow@swlaw.com">jsnow@swlaw.com</a> <i>Attorneys for Wilmington Trust, National Association</i>	Case Number:   Div:
<p style="text-align: center;"><b>VERIFIED MOTION FOR ORDER AUTHORIZING SALE OF REAL ESTATE BY THE PUBLIC TRUSTEE PURSUANT TO C.R.C.P. 120</b></p>	

Wilmington Trust, National Association (the “Applicant”), by and through its attorneys, Snell & Wilmer L.L.P., hereby moves this Court for an Order Authorizing Sale pursuant to Colorado Rule of Civil Procedure 120, and as grounds therefore states and alleges as follows:

1. Applicant is the owner and holder of two amended promissory notes executed by AVR AH LLC (the “Notes”). The Notes are incorporated herein by reference and are as follows:
  - a. Exhibit 1: an amended and restated promissory note, dated June 26, 2019, in the original principal amount of \$6,703,222.00 (which amends an original promissory note, dated January 30, 2019 in the original principal amount of \$6,254,224.00).
  - b. Exhibit 2: an amended and restated promissory note, dated June 26, 2019, in the original principal amount of \$73,372,140.00 (which amends an original promissory note, dated January 30, 2019 in the original principal amount of \$68,457,499.00).

2. The Notes are secured by a deed of trust executed by AVR AH LLC dated and recorded on March 30, 2018 at Reception Number 646225, Pitkin County, Colorado Records, a true and correct copy of which is attached hereto as Exhibit 3 and is incorporated herein by this reference (the “Deed of Trust”).

3. Because the subject property is located in Pitkin County and because the Deed of Trust was recorded in the official records of Pitkin County, the foreclosure can proceed in Pitkin County.

4. Applicant is entitled to foreclose the lien of the Deed of Trust and to have the property described therein sold by the Pitkin County Public Trustee pursuant to statute because the covenants of the Deed of Trust have been violated as follows: Defaults have occurred under the Deed of Trust, including, but not limited to, the failure to timely make payments as required under the Deed of Trust and the Notes secured thereby, and therefore the Applicant has elected to accelerate the entire indebtedness.

5. The property to be sold, which is situated in Pitkin County, Colorado, is more particularly described as follows (the “Property”):

Parcel A:

HOMESTEADS 1 THROUGH 9, AGRICULTURAL FACILITIES PARCEL AND PARCELS I THROUGH VII, RURAL AND REMOTE PARCELS, ACCORDING TO THE SECOND AMENDED SUBDIVISION EXEMPTION PLAT, ASPEN VALLEY RANCH, RECORDED OCTOBER 28, 2011 IN PLAT BOOK 98 AT PAGE 49.

COUNTY OF PITKIN, STATE OF COLORADO.

Parcel B:

A TRACT OF LAND SITUATED IN LOT 1, SECTION 4, AND LOT 1, SECTION 5, TOWNSHIP 9 SOUTH, RANGE 85 WEST OF THE 6TH P.M., MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF SAID LOT 1, SECTION 5, WHENCE THE NORTHWEST CORNER OF SAID LOT 1, SECTION 5 BEARS NORTH 00 DEGREES 06 MINUTES 08 SECONDS WEST 628.22 FEET; THENCE NORTH 00 DEGREES 06 MINUTES 08 SECONDS WEST 628.22 FEET TO THE NORTHWEST CORNER OF SAID LOT 1, SECTION 5; THENCE NORTH 89 DEGREES 59 MINUTES 59 SECONDS EAST 992.08 FEET ALONG THE NORTH LINE OF SAID LOT 1, SECTION 5 AND LOT 1, SECTION 4; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST 823.12 FEET TO THE CENTER OF DRY WOODY CREEK; THENCE SOUTH 45 DEGREES 11 MINUTES 00 SECONDS WEST 23.22 FEET ALONG THE CENTER OF DRY WOODY CREEK; THENCE

SOUTH 52 DEGREES 12 MINUTES 00 SECONDS WEST 195.35 FEET ALONG THE CENTER OF DRY WOODY CREEK; THENCE SOUTH 79 DEGREES 41 MINUTES 00 SECONDS WEST 263.65 FEET ALONG THE CENTER OF DRY WOODY CREEK; THENCE NORTH 56 DEGREES 00 MINUTES 00 SECONDS WEST 676.38 FEET TO THE POINT OF BEGINNING,

Being historically described as follows:

A TRACT OF LAND SITUATED IN LOT 1, SECTION 4, AND LOT 1, SECTION 5, TOWNSHIP 9 SOUTH, RANGE 85 WEST OF THE 6TH P.M., MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF SAID LOT 1, SECTION 5 WHENCE THE WITNESS CORNER TO THE SOUTHEAST CORNER OF SAID SECTION 5 BEARS SOUTH 04 DEGREES 33 MINUTES EAST 2572.12 FEET; THENCE NORTH 626.37 FEET TO THE NORTHWEST CORNER OF LOT 1; THENCE EAST 989.82 FEET ALONG THE NORTH LINE OF SAID LOT 1, SECTION 5, AND LOT 1, SECTION 4; THENCE SOUTH 823.52 FEET TO THE CENTER OF DRY WOODY CREEK; THENCE SOUTH 45 DEGREES 11 MINUTES WEST 23.22 FEET ALONG THE CENTER OF DRY WOODY CREEK; THENCE 79 DEGREES 41 MINUTES WEST 263.65 FEET ALONG THE CENTER OF DRY WOODY CREEK; THENCE NORTH 56 DEGREES WEST 674.97 FEET TO THE WEST LINE OF SAID LOT 1, SECTION 5, THE POINT OF BEGINNING,

COUNTY OF PITKIN, STATE OF COLORADO.

Parcel C:

LOTS 6, 7, 8 AND 9, ASPEN VALLEY DOWNS SUBDIVISION P.U.D. ACCORDING TO THE FIRST AMENDED PLAT OF ASPEN VALLEY DOWNS SUBDIVISION P.U.D. RECORDED MARCH 22, 1999 IN PLAT BOOK 49 AT PAGE 2 AT RECEPTION NO. 429063,

COUNTY OF PITKIN, STATE OF COLORADO.

SAVE and EXCEPT the following parcels:

THAT PORTION RELEASED IN PARTIAL RELEASE OF LIEN RECORDED AUGUST 30, 2021 AT RECEPTION NO. 679963, PITKIN COUNTY RECORDS, DESCRIBED AS FOLLOWS:

HOMESTEAD 4, ASPEN VALLEY RANCH, ACCORDING TO THE SECOND AMENDED SUBDIVISION EXEMPTION PLAT, ASPEN VALLEY RANCH, RECORDED OCTOBER 28, 2011 IN PLAT BOOK 98 AT PAGE 49,

COUNTY OF PITKIN, STATE OF COLORADO

and

THAT PORTION RELEASED IN PARTIAL RELEASE OF LIEN RECORDED NOVEMBER 16, 2021 AT RECEPTION NO. 682641, PITKIN COUNTY RECORDS, DESCRIBED AS FOLLOWS:

HOMESTEAD 8, ASPEN VALLEY RANCH, ACCORDING TO THE SECOND AMENDED SUBDIVISION EXEMPTION PLAT, ASPEN VALLEY RANCH, RECORDED OCTOBER 28, 2011 IN PLAT BOOK 98 AT PAGE 49 AND THIRD AMENDMENT TO SUBDIVISION EXEMPTION PLAT OF HOMESTEAD 8 AND THE AGRICULTURAL FACILITIES PARCEL, ASPEN VALLEY RANCH RECORDED AUGUST 22, 2014 IN PLAT BOOK 107 AT PAGE 82.

COUNTY OF PITKIN, STATE OF COLORADO.

HOMESTEAD 9, ASPEN VALLEY RANCH, ACCORDING TO THE SECOND AMENDED SUBDIVISION EXEMPTION PLAT, ASPEN VALLEY RANCH, RECORDED OCTOBER 28, 2011 IN PLAT BOOK 98 AT PAGE 49.

COUNTY OF PITKIN, STATE OF COLORADO.

4. The names of: (a) Grantor; (b) those persons who appear to have acquired a record interest in the Property subsequent to the recording of the Deed of Trust and prior to the recording of the notice of election and demand for sale thereunder; (c) the current record owner of the Property; and (d) any person known or believed by Applicant to be personally liable upon the Note secured by the Deed of Trust or otherwise interested in this proceeding, as well as the address of each such person as such address is given in the recorded instrument evidencing such person's interest (and as to those persons described in (a), (c), and (d) above, their last known addresses as shown by Applicant's records) are shown on Exhibit 4 attached hereto and incorporated herein by this reference.

5. Applicant, through its undersigned counsel, represents to this Court that upon information and belief Charif Souki, a natural person obligated to pay the indebtedness evidenced by the Notes, is not entitled to the protections afforded under the Servicemembers Civil Relief Act of 2003 (50 U.S.C. § 501, *et. seq.*). Applicant, through its undersigned counsel, further represents to the Court that AVR AH LLC is not a natural person and is not entitled to the protections afforded under the Servicemembers Civil Relief Act of 2003. (50 U.S.C. §501, *et. seq.*). Hence, enforcement of the power of sale contained within the Deed of Trust and entry of an order authorizing the Public Trustee to sell the Property under the power of sale does not involve enforcement of a deed of trust for which this Court need comply with the requirements

of 50 U.S.C. § 532, 50 U.S.C. § 533, or any other provisions of the Servicemembers Civil Relief Act of 2003.

6. Venue for this proceeding is proper in this Court because the original Notes are secured by the Deed of Trust to a public trustee, and this proceeding does not involve a consumer obligation and may therefore be brought and heard in any county in Colorado under C.R.C.P. 120(f).

WHEREFORE, Applicant respectfully moves this Court for an Order authorizing a Public Trustee's sale under the power of sale contained within the Deed of Trust and pursuant to the provisions of Colorado Rule of Civil Procedure 120.

DATED May 16, 2023.

Respectfully submitted,

SNELL & WILMER L.L.P.

By: /s/James Snow  
Michael E. Lindsay  
James Snow  
1200 17<sup>th</sup> Street, #1900  
Denver, CO 80202

*Attorneys for Wilmington Trust, National Association*


Address of Applicant:  
50 South Sixth Street, Suite 1290  
Minneapolis, MN 55402

**THIS COMMUNICATION CONCERNS A DEBT WHICH SNELL & WILMER L.L.P. IS ATTEMPTING TO COLLECT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.**

**VERIFICATION**

Jeffery Rose, Vice President of Wilmington Trust, National Association, being of age and duly sworn, deposes and says: (1) that he is a Vice President of Wilmington Trust, National Association; (2) that he has read the foregoing Verified Motion; and (3) that the contents thereof are true to the best of his knowledge, information and belief.

Wilmington Trust, National Association

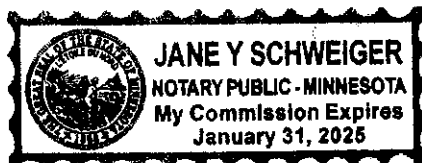
By:   
Jeffery Rose  
Vice President

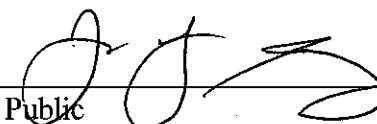
STATE OF MINNESOTA )  
COUNTY OF HENNEPIN ) ss.

Subscribed, sworn to, and acknowledged before me by Jeffery Rose as Vice President of Wilmington Trust, National Association this 15<sup>th</sup> day of May, 2023.

Witness my hand and official seal.

[SEAL]



  
Notary Public  
My commission expires: 01-31-2025

**CERTIFICATE OF MAILING**

I hereby certify that on May 16, 2023, a true and correct copy of the foregoing **VERIFIED MOTION FOR ORDER AUTHORIZING SALE OF REAL ESTATE BY THE PUBLIC TRUSTEE PURSUANT TO C.R.C.P. 120** was placed in the U.S. mail, first class postage prepaid, addressed to the following:

AVR AH LLC  
Attn: Brooke Peterson  
P.O. Box 4068  
Aspen, CO 81612

Wilmington Trust, National Association  
50 South Sixth Street, Suite 1290  
Minneapolis, MN 55402

AVR AH LLC  
514 East Hyman Avenue  
Aspen, CO 91611

Wilmington Trust, National Association  
Attn: Alan Glantz  
Arnold & Porter Kaye Scholer LLP  
250 West 55<sup>th</sup> Street  
New York, NY 10019

Charif Souki  
1201 Louisiana Street, Suite 3100  
Houston, TX 77002

Charif Souki  
P.O. Box 4068  
Aspen, CO 81612

Charif Souki  
c/o Brooke Peterson  
P.O. Box 4068  
Aspen, CO 81612

Charif Souki, as trustee of the Souki Family  
2016 Trust  
c/o Brooke Peterson  
P.O. Box 4068  
Aspen, CO 81612

Charif Souki, as trustee of the Souki Family  
2016 Trust  
1201 Louisiana Street, Suite 3100  
Houston, TX 77002

Charif Souki, as trustee of the Souki Family  
2016 Trust  
P.O. Box 4068  
Aspen, CO 81612

Karim Souki  
P.O. Box 4068  
Aspen, CO 81612

Karim Souki  
c/o Brooke Peterson  
P.O. Box 4068  
Aspen, CO 81612

AJAX  
P.O. Box 4068  
Aspen, CO 81612

AJAX  
c/o Brooke Peterson  
P.O. Box 4068  
Aspen, CO 81612



O'Connor Capital Solutions  
Attn: James Snow  
Snell & Wilmer LLP  
1200 Seventeenth Street, Suite 1900  
Denver, CO 80202-5854

Aspen Valley Ranch Homeowners Assoc.  
Attn: Brooke Peterson  
514 E. Hyman  
Aspen, CO 81611

Nineteen77 Capital Solutions A LP  
Attn: Charles Mathys, Baxter Wasson and  
Rodrigo Trelles  
UBS Tower  
One North Wacker Drive, Floor 32  
Chicago, IL 60606

Bermudez Mutuari Ltd.  
Attn: Charles Mathys, Baxter Wasson and  
Rodrigo Trelles  
UBS Tower  
One North Wacker Drive, Floor 32  
Chicago, IL 60606

O'Connor Capital Solutions  
787 Seventh Avenue, 13<sup>th</sup> Floor  
New York, NY 10019

O'Connor Capital Solutions  
Attn: Laura Metzger  
Orrick Herrington & Sutcliffe LLP  
51 West 52<sup>nd</sup> Street  
New York, NY 10019-6142

Occupant  
130 Aspen Valley Ranch Road  
Woody Creek, CO 81656

Occupant  
295 Aspen Valley Ranch Road  
Woody Creek, CO 81656

Occupant  
425 Aspen Valley Ranch Road  
Woody Creek, CO 81656

Occupant  
20 W. Bourg Trail  
Woody Creek, CO 81656

Occupant  
31 E. Bourg Trail  
Woody Creek, CO 81656

Occupant  
151 E. Bourg Trail  
Woody Creek, CO 81656

Occupant  
160 E. Bourg Trail  
Woody Creek, CO 81656

Occupant  
1075 Aspen Valley Downs Road  
Woody Creek, CO 81656

Occupant  
925 Aspen Valley Downs Road  
Woody Creek, CO 81656

Occupant  
875 Aspen Valley Downs Road  
Woody Creek, CO 81656

Occupant  
1025 Aspen Valley Downs Road  
Woody Creek, CO 81656

Aspen Valley Ranch Homeowners Assoc.  
295 Aspen Valley Ranch Rd.  
Woody Creek, CO 81656

/s/Sandy Braverman